

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWIN JAVIER CHAMUL,

Defendant.

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8:09CR452

ORDER

This matter is before the court on the motion for an extension of time by defendant Edwin Javier Chamul (Chamul) (Filing No. 16) and a motion to strike (Filing No. 15). Chamul seeks an additional two weeks in which to file pretrial motions in accordance with the progression order. Previously, Chamul moved to continue trial (Filing No. 13) which the court granted (Filing No. 14). Chamul seeks to strike his motion to continue trial. Since the motion to continue trial has already been granted, the motion to strike (Filing No. 15) will be denied. However, the order setting trial for February 22, 2010 (Filing No. 14) will be vacated. Chamul's motion to extend the pretrial motion deadline will be granted.

IT IS ORDERED:

1. Defendant Chamul's motion to strike (Filing No. 15) is denied.
2. The order setting trial of this matter for February 22, 2010 (Filing No. 14) is vacated.
3. Defendant Chamul's motion for an extension of time (Filing No. 16) is granted. Chamul is given until **on or before January 28, 2010**, to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between January 12, 2010, and January 28, 2010, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason

defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge